

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: J.R. NEESER et al.

Application No.: 09/779,596

Group Art Unit: 1615

Filed: February 9, 2001

Examiner:

For: Incorporation of Exogenous  
Lactic Bacteria Into The Oral Microflora

Attorney Docket No.: 88265-406

11/5/01  
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**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and now appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN, 200 Park Avenue, New York, New York 10166, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their prior attorney(s) in accordance with the provisions of 37 C.F.R. 3.71. Please direct all correspondence for this application to the appointed attorney.

The undersigned hereby confirms that he has reviewed the assignment from the inventors to the assignee, a copy of which is submitted herewith and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on its behalf.

NESTEC SA

Signature:



Typed Name:

Roman Vuille, Ph.D.

Position/Title:

Assistant Vice-President

Address:

Avenue Nestle 55

CH-1800 Vevey, Switzerland

Date:

April 9, 2001

RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney Docket Number : 882-406

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.



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1. Name of conveying party(ies):

Jean-Richard NEESER (executed 03/16/01)  
Bernhard GUGGENHEIM (executed 02/20/01)  
Elena-Maria COMELLI (executed 07/05/01)  
Francesca STINGELE (executed 07/09/01)  
Pier Sando COCCONCELLI (executed 7/018/01)

2. Name and address of receiving party(ies):

NESTEC S.A.  
Avenue Nestlé 55  
CH-1800 Vevey  
SWITZERLAND

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: \_\_\_\_\_

4. Application number(s) or patent number(s): 09/779,596, filed February 9, 2001

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) \_\_\_\_\_

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

WINSTON & STRAWN  
200 Park Avenue  
New York, NY 10166-4193

6. Number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00  
Please charge to the deposit account listed in Section 8.

8. Deposit account number: 501-814

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Allan A. Fanucci Reg. No. 30,256

Signature

Date

Total number of pages including cover sheet:

6

## ASSIGNMENT

WHEREAS, WE,

**Jean-Richard NEESER**, a citizen of Switzerland residing at 6, Sentier de Courtaraye, Savigny, CH-1073, Switzerland;

**Bernhard GUGGENHEIM**, a citizen Switzerland residing at Laubholzstrasse 65, Erlenbach CH-8703, Switzerland;

**Elena-Maria COMELLI**, a citizen of Switzerland residing at 8, chemin de Montmeillan, Lausanne CH-1005, Switzerland;

**Francesca STINGELE**, a citizen of Germany residing at Route du Signal 10, Lausanne CH-1018, Switzerland; and

**Pier Sando COCCONCELLI**, a citizen of Italy residing at Istituto di Microbiologia, Uni. Cattolica del Sacro Cuore, Via Emilia Parmense, 84, Piacenza I-29100, Italy,

ASSIGNORS, are the inventors of the invention in **INCORPORATION OF EXOGENOUS LACTIC BACTERIA INTO THE ORAL MICROFLORA** for which we have executed an application for a Patent of the United States

- ☐ which is executed on even date herewith
- ☒ which is identified by Pennie & Edmonds LLP docket no. 8265-406-999
- ☒ which was filed on February 9, 2001

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date March, 16, 2001 [Signature] L.S.  
Jean-Richard NEESER

On this 16 day of March, 2001, before me, a witness, personally appeared Jean-Richard NEESER, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his/her free act and deed.

ENRIQUETA GONZALEZ

[Signature]  
WITNESS.

Date 20.02.2001, 2001 [Signature] L.S.  
Bernhard GUGGENHEIM

On this 20.02.2001 day of \_\_\_\_\_, 2001, before me, a witness, personally appeared Bernhard GUGGENHEIM, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his/her free act and deed.

[Signature]  
WITNESS.

Date July 05, 2001 Elena Maria Comelli L.S.  
Elena-Maria COMELLI

On this 5<sup>th</sup> day of July, 2001, before me, a witness,  
personally appeared Elena-Maria COMELLI, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

Jgd Nieuwenhof  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Francesca STINGELE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Francesca STINGELE, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

\_\_\_\_\_  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Pier Sandro COCCONCELLI

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Pier Sandro COCCONCELLI, to me known and known to me to be the  
person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same  
to be his/her free act and deed.

\_\_\_\_\_  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Elena-Maria COMELLI

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Elena-Maria COMELLI, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

\_\_\_\_\_  
WITNESS.

✓ Date 09. July, 2001 francesca [Signature] L.S.  
Francesca STINGELE

✓ On this 05 day of July, 2001, before me, a witness,  
personally appeared Francesca STINGELE, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

GEORGES DSWALD

A.H.O. [Signature]

\_\_\_\_\_  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Pier Sandro COCCONCELLI

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Pier Sandro COCCONCELLI, to me known and known to me to be the  
person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same  
to be his/her free act and deed.

\_\_\_\_\_  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Elena-Maria COMELLI

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Elena-Maria COMELLI, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

\_\_\_\_\_  
WITNESS.

Date \_\_\_\_\_, 2001 \_\_\_\_\_ L.S.  
Francesca STINGELE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a witness,  
personally appeared Francesca STINGELE, to me known and known to me to be the person of  
that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be  
his/her free act and deed.

\_\_\_\_\_  
WITNESS.

Date 18 July, 2001 \_\_\_\_\_ L.S.  
Pier Sandro  
Pier Sandro COCCONCELLI

On this 18 day of July, 2001, before me, a witness,  
personally appeared Pier Sandro COCCONCELLI, to me known and known to me to be the  
person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same  
to be his/her free act and deed.

Laurel  
WITNESS.